

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**KAREN L. RILEY,** )  
                                )  
                                )  
**Plaintiff,**              )  
                                )  
                                )  
                                )  
**v.**                         )                              **Case No. 1:18-cv-17**  
                                )  
                                )  
**UPPER ALLEGHENY HEALTH** )  
**SYSTEM, et al.**            )  
                                )  
                                )  
**Defendants,**             )  
                                )  
                                )  
                                )  
**v.**                         )  
                                )  
**GULFSTREAM ANESTHESIA** )  
**CONSULTANTS, P.A.,**        )  
                                )  
                                )  
**Third-Party Defendant.** )

**MEMORANDUM ORDER**

This civil action, involving claims of medical negligence, was commenced by Plaintiff Karen L. Riley on January 16, 2018. The matter was originally referred to the undersigned, then a United States Magistrate Judge, for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and the Local Rules for Magistrate Judges. On September 18, 2018, the case was transferred to the undersigned in her current capacity as a United States District Judge. ECF No. 62. On September 27, 2018, the case was referred to United States Magistrate Judge Richard A. Lanzillo for all further pretrial proceedings, with the undersigned remaining as the presiding district court judge. ECF No. 66.

On January 29, 2019, Judge Lanzillo issued a Magistrate Judge's Report and Recommendation ("R&R"), ECF No. 78, recommending that the Motion to Dismiss the Third-Party Complaint filed by Third-Party Defendant Gulfstream Anesthesia Consultants, P.A., ECF

No. 59, be denied. Objections to the R&R were due on or before February 12, 2019. No objections have been filed to date.

After *de novo* review of the Complaint, the Third-Party Complaint, and other documents in the case, together with the R&R, the following order is entered:

AND NOW, this 2<sup>nd</sup> day of May, 2019;

IT IS HEREBY ORDERED that the Motion to Dismiss the Third-Party Complaint filed by Third-Party Defendant Gulfstream Anesthesia Consultants, P.A., ECF No. [59], be, and hereby is, DENIED.

The Report and Recommendation of United States Magistrate Judge Richard Lanzillo, dated January 29, 2019, ECF No. [78], is hereby adopted as the opinion of this Court.

/s/ Susan Paradise Baxter  
SUSAN PARADISE BAXTER  
United States District Judge

cc: Counsel of Record

The Honorable Richard A. Lanzillo  
United States Magistrate Judge